

Judges of the 8th Circuit Court of Appeals,

I, Justin Riddle, hereby lodge this urgent objection to the egregious and unlawful briefing schedule order issued by this Court on May 23, 2024. This order represents an astonishing dereliction of the Court's most basic duties under the Federal Rules of Appellate Procedure, a flagrant violation of my due process and equal protection rights, and an intolerable obstruction of access to justice that shocks the conscience.

The facts, as indisputably established by this Court's own docket, are as follows: I properly filed my opening appeal brief on April 23, 2024. This Court formally acknowledged receipt of that brief in a docket entry on May 2, 2024. The full record on appeal was subsequently transmitted by the district court and received by this Court on May 1, 2024.

This Court's May 23rd order represents not just a violation of the Federal Rules of Appellate Procedure, but an unconstitutional deprivation of Mr. Riddle's rights to due process and equal protection under the law.

Numerous Supreme Court and Circuit Court precedents make clear that arbitrarily imposing made-up filing deadlines and briefing schedules that disregard a litigant's properly filed submissions violates the most basic guarantees of fair process and evenhanded treatment. See, e.g., *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982) (establishing that infringing the establishment of fair procedures for adjudicating rights violates due process); *Armstrong v. Manzo*, 380 U.S. 545 (1965) (holding dismissal of an appeal solely based on failure to comply with a judge-made rule governing procedure violates due process); *Pearson v. Fair*, 808 F.2d 311 (5th Cir. 1988) (rules cannot be applied in an ad hoc manner to deprive a party of their right to appeal).

By unilaterally decreeing a new briefing deadline that treats Mr. Riddle's properly submitted brief as a nullity without justification, this Court has deprived him of his constitutional right to have his appeal adjudicated through fair procedures and arbitrary treatment. No court has the authority to impose made-up obligations that circumvent established rules for its own convenience.

Moreover, issuing such an anomalous and unexplained order singling out the pro se appellant raises incredibly serious concerns about discriminatory bias and implicates the equal protection doctrine. See *Willner v. Committee on Character and Fitness*, 373 U.S. 96 (1963) ("A State cannot exclude a person from...any vocation in a manner...which contravenes the Due Process or Equal Protection Clause of the Fourteenth Amendment.") No discernible standard exists for why Mr. Riddle's timely brief could be disregarded, raising an inescapable inference of disparate treatment based solely on his pro se status. Such discrimination against appellants exercising their fundamental right to self-representation cannot withstand any degree of constitutional scrutiny. See *Lindstedt v. Missouri*, 944 F.3d 970 (8th Cir. 2019).

Let's dispense with niceties - this Court's aberrational order transparently demonstrates open hostility toward Mr. Riddle as an unrepresented civil rights plaintiff. The audacity of decreeing he

re-submit a brief already properly filed, solely to suit the Court's convenience, drips with discriminatory animus. It screams that Mr. Riddle's pro se status makes his compliance with rules an inconvenient formality to be disregarded at judicial whim.

Such undisguised prejudice is intolerable in a democracy premised on equal justice under law. If the mere stigma of self-representation warrants nullifying established procedures, no semblance of due process remains beyond the artifice of robed pageantry. This Court has ripped away its own blindfold, replacing cecity toward identity with open contempt for the unrepresented.

Nothing less than the entire legal system's legitimacy balances on a razor's edge. For if an appellate tribunal can so brazenly dismantle procedural safeguards without justification, no guarantee of impartial adjudication persists. The court has proven itself an inadequate gatekeeper against the very "bias...insinuating itself" decried in *Johnson v. Zerbst*, 304 U.S. 458 (1938). It has forsaken neutrality itself.

This Court was duty-bound to ensure Mr. Riddle received the same fair process, adherence to standardized rules, and evenhanded treatment as any represented party. Its May 23rd order abjectly failed this obligation, amounting to an undeniable violation of Mr. Riddle's most basic constitutional rights as a pro se appellant.

Under Fed. R. App. P. 31(a)(1), an appellant is required to serve and file their opening brief within 40 days after the record is filed. Having filed my brief on April 23, a full week before this Court received the record on May 1, there can be no question that I complied with Rule 31 and that my brief was properly before this Court.

Yet, in an act of breathtaking lawlessness, this Court issued an order on May 23, 2024 - a full month after my brief was filed - decreeing that I must file my opening brief by July 2, 2024. The order treats my properly and timely filed April 23 brief as a legal nullity, without even a scintilla of justification or explanation.

Let me be crystalline: This Court had my fully compliant brief in hand, yet it arbitrarily demanded that I re-file the very same brief months later, in direct contravention of the deadlines imposed by the Federal Rules. No finding was made that my brief was deficient. No notice was provided of any purported errors to be corrected. The Court simply elected to ignore a brief that had been properly filed in accordance with all applicable rules, for no reason other than its apparent whim.

This order is an abomination. It represents a gross deviation from the most rudimentary requirements of appellate procedure, due process, and the rule of law. If a Court of Appeals can unilaterally decide to disregard a properly filed brief and impose fictitious new filing deadlines out of thin air, our entire system of justice is a farce.

The implications of this order are staggering in their disregard for judicial integrity and the rights of litigants. If allowed to stand, it sends the unequivocal message that the appellate rules simply do not apply when a court feels inconvenienced by a pro se appellant. It screams that due

process is discretionary, and that this Court is free to capriciously move the goalposts and obstruct access to appellate review without even the pretense of legal justification.

I am a law-abiding citizen who has placed my faith in the appellate process to vindicate my rights. I have diligently complied with every rule and filing deadline. Yet this Court, through this scandalous order, has intimated that my only recourse for justice is to submit to a Kafkaesque regime of arbitrary dictates untethered to any semblance of legal authority or procedural regularity.

I am now gravely concerned for my safety and well-being. The degree of raw contempt for the rule of law and the rights of appellants reflected in this order is so extreme, so brazen in its lawlessness, that I fear for retaliation should I continue to insist on adherence to basic legal norms. I am simply a man seeking access to justice in accordance with established rules and procedures. And yet this Court, by demanding that I re-submit a brief that was already timely filed, seems intent on obstructing my appeal through the most egregious deviations from law imaginable.

Let me be clear: Despite the Court's outrageous conduct, I remain a stable, law-abiding citizen. I have no history of being a danger to myself or others, and I have consistently conducted myself with the utmost respect for the legal process. But I cannot ignore that the Court's utter disregard for my rights and the dictates of law is so extraordinary, so inexplicable, that it raises genuine concerns for my safety should I persist in demanding the fair process guaranteed to me. In short, the extreme misconduct by this Court reflected in the May 23 order is of a degree that any reasonable person would feel trepidation about what other lawless actions it may be willing to take to impede a disfavored appellant.

My fears, while profoundly disquieting, are not hyperbolic in light of this Court's actions. If the Court is brazen enough to issue an order in knowing defiance of the plain language of Rule 31, in the teeth of a docketed record unambiguously establishing my compliance with that Rule, one shudders to imagine how little restraint it will show in visiting further abuses upon an appellant rash enough to demand fair treatment.

This willful disregard for objective reality, perpetrated by court officers sworn to truth-seeking impartiality, represents a searing inflection point. When courts themselves are unshackled from fealty to fact, laws devolve into mere pretexts for oppression. The rule of law twists into a grotesquerie of "might makes right," however procedurally window-dressed.

If federal jurists are empowered to ignore established records and impose made-up rules based on which party's cause they disfavor, justice becomes a hollow sham. It signals a terrifying retreat toward that "human, all too human" prejudice of pre-democratic societies - when the coercive force of the state served only the privileged caste's consolidated interests.

Let no one mince words - this is a pivotal juncture. By permitting its officers to selectively uphold procedures for certain appellants while dissolving others' rights through arbitrary contempt, this

Court asserts a monarchical prerogative more befitting a aristocracy than a republican democracy. It has planted a flag in lawlessness incompatible with persisting as a legitimate judicial tribunal.

Let this objection serve as a clarion call to all who cherish the ideals of democratic governance and the sanctity of constitutional rights. What transpires here will reverberate as a hinge of history. For if the public is forced to bear witness to a Court so institutional corroded, so intractably deformed from its Enlightenment mandate to enshrine reason and impartial process, it will inspire mass civil upheaval.

No citizen can be expected to render fealty to a judicial authority that has disrobed itself of constitutional moorings. A Court that has discarded its sacred vestments as blind arbiters of truth and facilitators of ordered liberty is no longer a Court - it is the vanguard of institutionalized oppression its Framers aimed to exorcize.

When the procession of blind injustice has no impartial tribunal to which the marginalized may appeal, the social compact is irreparably sundered. All that remains is a disenfranchised populace's final recourse to extract their inalienable rights from the chokeholds of consolidated power through any means integrity demands.

The American public will bear witness to this institution's response as a litmus test for whether granting it constitutional authority over our rights remains tenable. For in nothing is the judiciary's sacred inviolability more manifest than its capacity for introspection - to perceive its own transgressions and purge that cancer before it metastasizes.

Failure here is not an option. It is a death knell of institutional relevance that history shall judge with scathing finality. This Court decides now whether to remain captive to airy fictions of infallibility... or begin the hard work of surgical accountability before this jurisprudential body goes untreated too long

Indeed, this Court's response will echo through the ages as the ultimate exemplar of whether the American Experiment itself can credibly purport to advance democratic ideals - or whether it was always merely a fragile suspension of avaricious aristocracy. Corrosive forces of institutional impunity and lawlessness sought to undermine the Framers' vision since its inception. How the independent judiciary, the purest distillation of checks and balances, acquits itself in this crucible will shape the broader narrative in perpetuity.

For if this Court prioritizes its own petty privileges and procedural technicalities over the sacred bearings of impartial justice, it will objectively confirm what anti-democratic cynics have long warned: That the American framework was always just pretext for channeling power to a different caste, all while flashing rote hosannas to noble-sounding principles since rotted into lip service.

In that light, this panel will affix its own archival import as embodying the regressive, hidebound resistance to equitable progress that Dr. King decried as the "this" in "this too shall pass." Persisting in discriminatory deprivations of individual due process harkens back to humanity's most shameful suspensions of enlightened values. The Court will effectively crown itself among history's despots by such a regression.

There is no middle ground. The judiciary either harnesses this moment to catalyze its highest ideals of fairness and transparency...or become a personification of what happens when ignoble fears allow tolerance for injustice to metastasize into entrenched oppression. The world observes which path this tribunal has the courage and moral fortitude to walk.

This unilateral disregard for Mr. Riddle's procedural rights as an unrepresented appellant crystallizes the institutional bias and prejudicial unfairness his appeal seeks to remedy. If brazen deprivations of fair process and equal protection before this Court of Appeals are an unfortunate reality, the integrity of every judicial proceeding is compromised. Mr. Riddle's meritorious claims that arbitrary mistreatment of pro se litigants represents a systemic crisis have only been corroborated by this Court's own staggering misconduct.

The onus is now on this Court to take immediate corrective action rescinding the lawless May 23rd order, reaffirming its commitment to constitutional norms, and ensuring Mr. Riddle receives the full and fair consideration of his appeal that due process and equal protection demands. Restoring integrity is the only path forward; further perpetuating injustice is institutionally untenable.

I urge the Court, in the strongest possible terms, to immediately vacate the May 23 order and permit my appeal to proceed under the properly filed April 23 brief in accordance with the Federal Rules. The legitimacy of this tribunal, and perhaps the safety of appellants seeking recourse to it, hang in the balance.

The docket and rules are clear. Any result other than a prompt reversal of this lawless order will confirm that this Court has fallen into the deepest depths of partiality and contempt for the rule of law. The choice is now yours - restore the integrity of the appellate process by adhering to the clear demands of your own rules and docket, or continue venting raw judicial contempt at appellants with the temerity to demand fair process.

What happens next will indelibly reflect on the integrity of this tribunal and the overall health of our appellate justice system. I pray the Court chooses wisely, for the sake of both my individual rights and the credibility of the judiciary itself. The nation is watching.

Sincerely,
Justin Riddle
Pro Se Appellant